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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/892,769	<b>Applicant(s)</b> KAWAOKA ET AL.	
	<b>Examiner</b> Gerardo Araque Jr.	<b>Art Unit</b> 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-29, 31-34 and 36-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29, 31-34 and 36-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1 – 14, 36, 43, 28, 42, 48, 31 – 34, and 49** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fredlund et al. (US Patent 5,666,215)** in view of **Steinberg et al. (US Patent 6,750,902 B1)**.
4. In regards to **claim 1**, **Fredlund** discloses a photofinisher that receives film from a customer, scans the film, and stores the scanned images (**Column 2 Lines 28 – 31**), wherein the receiving unit receives the plurality of images from a corresponding user (**Column 7 Lines 18 – 19**). Moreover, the images files are stored in a storage device, which were scanned from the photofinisher (**Column 4 Lines 34 – 36**). Furthermore, **Fredlund** also discloses a CD-writer for producing Photo CD's (**Column 7 Lines 26 – 27**).

However, **Fredlund** fails to disclose wherein the digital camera is configured to automatically determine when an image transmitting condition is met without the user

inputting a transmission command, and to automatically transmit the plurality of images to the delivery-medium producing apparatus in response to the determination.

**Steinberg**, however, discloses that it is old and well known for digital cameras to automatically transmit images to an apparatus when a predetermined condition is met (**Col. 2 Lines 4 – 10, 15 – 21, 44 – 48; Col. 5 Lines 5 – 11, 18 – 34**). **Steinberg**, discloses that an advantage of the present invention is that a digital camera user can download image camera data to a remote computer or network site and therefore avoid the concern of the need to connect the camera or its removable device to a local computer in order to perform such operation, adds functionality to cameras that are not designed specifically to perform the task of connection to a remote network, provides an apparatus with a connection to a camera that is programmable for customized operations, provides an apparatus that enables a user to send data from a digital camera through a network to a plurality of destinations of a variety of types, such as network printers and remote archives (**Col. 3 Lines 6 – 10, 16 – 27**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Fredlund** in view of the teachings of **Steinberg** to incorporate a digital camera that is configured to automatically determine when an image transmitting condition is met without the user inputting a transmission command, and to automatically transmit the plurality of images to the delivery-medium producing apparatus in response to the determination in order to provide the advantages of a digital camera user can download image camera data to a remote computer or network site and therefore avoid the concern of the need to connect the camera or its removable

device to a local computer in order to perform such operation, adds functionality to cameras that are not designed specifically to perform the task of connection to a remote network, provides an apparatus with a connection to a camera that is programmable for customized operations, provides an apparatus that enables a user to send data from a digital camera through a network to a plurality of destinations of a variety of types, such as network printers and remote archives.

5. In regards to **claim 2, Fredlund** discloses that the processed film is also scanned into a scanner in order to convert the negative film into digital images (**Column 3 Lines 29 – 31**) and is attached with a customer identification number (**Column 3 Lines 34 – 36**). Once the images are converted they can be later recorded onto a Photo CD, as was previously discussed.

6. In regards to **claim 3, Steinberg** discloses wherein:

said plurality of images are automatically transmitted to the receiving unit from a plurality of digital cameras corresponding to a plurality of users (**Col. 10 Lines 37 – 42; Fig. 13**), and

said delivery-medium recording unit records one or more images of said plurality of images onto one of said recording media for one of said users at predetermined intervals (**Col. 13 Lines 6 – 11**)

7. In regards to **claim 4, Fredlund** discloses that once the customer is done with placing an order (**Column 6 Lines 30 – 36**) the images can then be recorded onto a CD with the use of a CD-writer (**Column 8 Lines 56 – 63**).

8. In regards to **claim 5**, **Fredlund** discloses a computer data entry means that allows a user to input information related to their images (**Column 5 Lines 44 – 51**).

This information can then be recorded onto a recording media if the user chooses to.

9. In regards to **claim 6**, the use of using user ID's in order to access information, especially for online shopping, is well known and common practice in the art.

10. In regards to **claim 7**, the examiner understands that the date and the place are just more information that the user can input into the database that further identifies the images. When the user accesses the database to have select the images they would want recorded they can do so based on the information that was provided. Moreover, it is well known that digital cameras use such information in order to organize the images on its storage medium and that cameras inherently have some type of GPS unit imbedded in them so that phone companies can track where phone calls are being made and determine if the phone is in a roaming area. Therefore, when the images are transmitted to their location through the cellular phone a tag, such as the date and location, must be sent with it so that the phone company can later charge the user for the extra service.

11. In regards to **claim 8**, **Fedlund** discloses a system and method for facilitating ordering and re-ordering of prints from negatives (**Column 2 Lines 45 – 27**). Moreover, **Fredlund** discloses a computer that controls an image-capable printer for paper prints (**Column 7 Lines 18 – 26**).

12. In regards to **claim 9**, **Fredlund** discloses that once the customer chooses which images to be re-ordered, the customer is presented with services related to the selected

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image, such as the quantity and the size (**Column 2 Lines 47 – 57 Column 3 Lines 52 – 63**).

13. In regard to **claims 10 and 11**, **Fredlund** discloses a mass storage device that stores the, "...digital image along with a customer order number and a unique customer identification number (**Column 3 Lines 33 – 36**).” The customer is then able to use the identification number given to them to access the images they would like to be printed (**Column 4 Lines 46 – 50**).

14. In regard to **claims 12 – 14**, **Fredlund** disclosure of a photo production and delivery system that allows customers to submit images to a storage device and assign the customers with an identification number is discussed above. The identification number allows them to access the storage device and select the images they would like printed or recorded on a medium. In the case that the customer would like the images to be recorded on a medium, such as a CD, a CD-writer that is integrated to a computer system would be used. Moreover, the optical disc would have the identification number and image recorded on it (**Column 3 Lines 32 – 36**).

15. In regards to **claims 36**, it is old and well known that digital cameras store the shot date and number of captured images. As a result, when the receiving unit receives the images from the camera, the shot date and number of captured images would be included as well.

16. In regards to **claims 43**, **Steinberg** discloses wherein said external apparatus automatically records the transmitted images onto recording media in accordance with at least one of: a time that has passed after each image was captured, the number of

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the images that have been captured, and predetermined intervals (**Col. 5 Lines 18 – 37**).

17. In regards to **claim 28**, **Fredlund** discloses a photofinisher that receives film from a customer, scans the film, and stores the scanned images (**Column 2 Lines 28 – 31**), which can be found at a photo store, drugstore, or supermarket (**Column 3 Lines 25 – 27**). Moreover, the images files are stored in a storage device, which were scanned from the photofinisher (**Column 4 Lines 34 – 36**). Furthermore, **Fredlund** also discloses a CD-writer for producing Photo CD's (**Column 7 Lines 26 – 27**). The order is then completed automatically (**Column 7 Lines 18 – 19**), the images can be returned to the customer by mail or picked up by the customer at the location where there were dropped off (**Column 3 Lines 39 – 42**).

However, **Fredlund** fails to disclose that the digital camera automatically determines when respective image transmitting conditions are met without the user inputting a transmission command.

**Steinberg**, however, discloses that it is old and well known for digital cameras to automatically transmit images to an apparatus when a predetermined condition is met (**Col. 2 Lines 4 – 10, 15 – 21, 44 – 48; Col. 5 Lines 5 – 11, 18 – 34**). **Steinberg** discloses that an advantage of the present invention is that a digital camera user can download image camera data to a remote computer or network site and therefore avoid the concern of the need to connect the camera or its removable device to a local computer in order to perform such operation, adds functionality to cameras that are not designed specifically to perform the task of connection to a remote network, provides an



apparatus with a connection to a camera that is programmable for customized operations, provides an apparatus that enables a user to send data from a digital camera through a network to a plurality of destinations of a variety of types, such as network printers and remote archives (**Col. 3 Lines 6 – 10, 16 – 27**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Fredlund** in view of the teachings of **Steinberg** to incorporate that the digital camera automatically determines when respective image transmitting conditions are met without the user inputting a transmission command in order to provide the advantages of a digital camera user can download image camera data to a remote computer or network site and therefore avoid the concern of the need to connect the camera or its removable device to a local computer in order to perform such operation, adds functionality to cameras that are not designed specifically to perform the task of connection to a remote network, provides an apparatus with a connection to a camera that is programmable for customized operations, provides an apparatus that enables a user to send data from a digital camera through a network to a plurality of destinations of a variety of types, such as network printers and remote archives.

18. In regards to **claim 42**, it is old and well known that digital cameras store the shot date and number of captured images. As a result, when the receiving unit receives the images from the camera, the shot date and number of captured images would be included as well.

19. In regards to **claims 48, Steinberg** discloses wherein said external apparatus automatically records the transmitted images onto recording media in accordance with at least one of: a time that has passed after each image was captured, the number of the images that have been captured, and predetermined intervals (**Col. 5 Lines 18 – 37**).

20. **Claim 29** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Fredlund et al. (US Patent 5,666,215)** in view of **Steinberg et al. (US Patent 6,750,902 B1)** and in further view of **Allen et al. (US Patent 5,737,491)**.

21. In regards to **claim 29**, the **combination of Fredlund and Steinberg** are discussed above, but fails to teach a method of transmitting digital images via a phone.

However, **Allen** teaches a method of transmitting images taken by a digital camera that is wirelessly connected to a cellular phone to a specified location so that images can be transmitted at any time as well as freeing up storage space on the camera when needed or to a magazine's photo editor (**Column 1 Lines 60 – 65, Column 3 Lines 5 – 9, Column 2 Lines 1 – 5, Claim 7**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention in view of the teachings of **Allen** to modify the **combination of Fredlund and Steinberg** to include a method of transmitting images to a specified location via a cellular phone.

22. **Claim 31 – 34** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fredlund et al. (US Patent 5,666,215)** in view of **Steinberg et al. (US Patent 6,750,902 B1)** in further view of **Enomoto et al. (US Patent 5,974,401/JP 10078918 A**

**The examiner would like to note that the English equivalent of will be used and a translation of the original patent of JP 10078918 A published in 1998 has been requested).**

23. In regard to **claims 31 – 34**, it is well known in the art that a customer must present a method of payment at the time that a specific service is completed whether it would be cash or credit. In regards to be charged through a phone company, it is well known in the art that phone companies will charge their customers for any extra services on top of their customers' regularly monthly charges. With that said, **Fredlund and Steinberg** are discussed above, but fail to teach a method of payment.

However, **Enomoto** does teach a payment service in which the customer chooses their mode of payment in the details of the charge (**Column 7 Lines 48 – 53**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention in view of the teachings of **Enomoto** to modify the **combination of Fredlund and Steinberg** to include a payment service for the delivery of the submitted images.

24. In regards to **claims 49**, **Steinberg** discloses wherein said external apparatus automatically records the transmitted images onto recording media in accordance with at lease one of: a time that has passed after each image was captured, the number of the images that have been captured, and predetermined intervals (**Col. 5 Lines 18 – 37**).

25. **Claims 15 – 17 and 44 – 45** are rejected under 35 U.S.C. 102(b) as being anticipate by **Enomoto et al. (US Patent 5,974,401/JP 10078918 A** The examiner

would like to note that the English equivalent will be used and a translation of the original patent of JP 10078918 A published in 1998 has been requested) in view of Steinberg et al. (US Patent 6,750,902 B1).

26. In regard to **claims 15**, **Enomoto** discloses a receiving unit operable to receive a plurality of images from a plurality of users (**Column 3 Line 16**), an image keeping apparatus operable to keep the plurality of images received and recorded therein by the receiving unit (**Column 3 Lines 17 – 20**), a delivery-medium recording unit operable to record the plurality of images onto recording media in such a manner that each recording media stores on or more images of the plurality of images that were received from one of the users (**Column 8 Lines 27 – 33**), a keeping-time monitoring unit operable to monitor a keeping time for each of the plurality of images to determine whether or not the keeping time reaches an end of a predetermined keeping term, the keeping time being a time that has passed after each of the plurality of images was recorded in the image keeping apparatus (**Column 8 Lines 20 – 26**), and a keeping time notifying unit operable to notify, when the keeping time is determined to reach the end of the predetermined keeping term, a corresponding user of each of the plurality of images that the predetermined term expired (**Column 7 lines 4 – 8**).

However, **Enomoto** fails to disclose wherein the digital camera is configured to automatically determine when an image transmitting condition is met without the user inputting a transmission command, and to automatically transmit the plurality of images to the delivery-medium producing apparatus in response to the determination.

**Steinberg**, however, discloses that it is old and well known for digital cameras to automatically transmit images to an apparatus when a predetermined condition is met (**Col. 2 Lines 4 – 10, 15 – 21, 44 – 48; Col. 5 Lines 5 – 11, 18 – 34**). **Steinberg** discloses that an advantage of the present invention is that a digital camera user can download image camera data to a remote computer or network site and therefore avoid the concern of the need to connect the camera or its removable device to a local computer in order to perform such operation, adds functionality to cameras that are not designed specifically to perform the task of connection to a remote network, provides an apparatus with a connection to a camera that is programmable for customized operations, provides an apparatus that enables a user to send data from a digital camera through a network to a plurality of destinations of a variety of types, such as network printers and remote archives (**Col. 3 Lines 6 – 10, 16 – 27**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Enomoto** in view of the teachings of **Steinberg** to incorporate a digital camera that is configured to automatically determine when an image transmitting condition is met without the user inputting a transmission command, and to automatically transmit the plurality of images to the delivery-medium producing apparatus in response to the determination in order to provide the advantages of a digital camera user can download image camera data to a remote computer or network site and therefore avoid the concern of the need to connect the camera or its removable device to a local computer in order to perform such operation, adds functionality to cameras that are not designed specifically to perform the task of connection to a remote

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network, provides an apparatus with a connection to a camera that is programmable for customized operations, provides an apparatus that enables a user to send data from a digital camera through a network to a plurality of destinations of a variety of types, such as network printers and remote archives.

27. In regards to **claim 16**, **Enomoto** discloses the image keeping apparatus deletes one of the plurality of images for which the predetermined term expired, if no user's instruction is revised from the corresponding user within a predetermined waiting time period after the notification (Column 7 Lines 4 – 8; Column 8 Lines 20 – 26).

28. In regards to **claim 17**, **Enomoto** discloses a receiving unit operable to receive a plurality of images from a plurality of users (**Column 3 Line 16**); an image keeping apparatus operable to keep the plurality of images received and recorded therein by the receiving unit (**Column 3 Lines 17 – 20**); a delivery-medium recording unit operable to record the plurality of images onto recording media in such a manner that each of the recording media stores on one or more images of the plurality of images that were received from one of the users (**Column 8 Lines 27 – 33**); a payment-mode receiving unit operable to receive an instruction specifying a payment mode from each of the users (**Column 8 Lines 13 – 14**); and a payment processing unit operable to indirectly charge each of the users in accordance with the specified payment mode (**Column 7 lines 48 – 53**).

However, **Enomoto** fails to disclose wherein the digital camera is configured to automatically determine when an image transmitting condition is met without the user.

inputting a transmission command, and to automatically transmit the plurality of images to the delivery-medium producing apparatus in response to the determination.

**Steinberg**, however, discloses that it is old and well known for digital cameras to automatically transmit images to an apparatus when a predetermined condition is met (**Col. 2 Lines 4 – 10, 15 – 21, 44 – 48; Col. 5 Lines 5 – 11, 18 – 34**). **Steinberg**, discloses that an advantage of the present invention is that a digital camera user can download image camera data to a remote computer or network site and therefore avoid the concern of the need to connect the camera or its removable device to a local computer in order to perform such operation, adds functionality to cameras that are not designed specifically to perform the task of connection to a remote network, provides an apparatus with a connection to a camera that is programmable for customized operations, provides an apparatus that enables a user to send data from a digital camera through a network to a plurality of destinations of a variety of types, such as network printers and remote archives (**Col. 3 Lines 6 – 10, 16 – 27**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Enomoto** in view of the teachings of **Steinberg** to incorporate a digital camera that is configured to automatically determine when an image transmitting condition is met without the user inputting a transmission command, and to automatically transmit the plurality of images to the delivery-medium producing apparatus in response to the determination in order to provide the advantages of a digital camera user can download image camera data to a remote computer or network site and therefore avoid the concern of the need to connect the camera or its removable

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device to a local computer in order to perform such operation, adds functionality to cameras that are not designed specifically to perform the task of connection to a remote network, provides an apparatus with a connection to a camera that is programmable for customized operations, provides an apparatus that enables a user to send data from a digital camera through a network to a plurality of destinations of a variety of types, such as network printers and remote archives.

29. In regards to **claims 44 – 45, Steinberg** discloses wherein said external apparatus automatically records the transmitted images onto recording media in accordance with at least one of: a time that has passed after each image was captured, the number of the images that have been captured, and predetermined intervals (**Col. 5 Lines 18 – 37**).

30. **Claims 18 – 27, 37 – 40, and 46 – 47** are rejected under 35 U.S.C. 102(b) as being anticipated by **Allen et al. (US Patent 5,737,491)** in view of **Steinberg (US Patent 6,750,902 B1)**.

31. In regard to **claims 18 and 19, Allen** discloses a camera that is connected wirelessly to a cellular phone (**Column 3 Lines 5 – 9**) for the transmission of images to a server. In Table 1 a list of commands are disclosed, such as the “Send Prints (address)” command that will send the images to a designated address or number through the cellular phone (**Column 2 Lines 1 – 5, Claim 7**). It is inherent that these operations must be carried out with the use of a program and a connection-detecting module. Further still, **Allen** also discloses that the digital camera includes a transceiver



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to transmitting the digital images, and control signals to the image fulfillment server (external apparatus) (**Column 2 Lines 48 – 51**).

However, **Allen** fails to disclose a transmitting module operable to automatically determine when an image transmitting condition is met without the user inputting a transmission command, and to make said digital camera automatically transmit a plurality of images captured by said digital camera via said phone to an external apparatus for storage in response to the determination.

**Steinberg**, however, discloses that it is old and well known for digital cameras to automatically transmit images to an apparatus when a predetermined condition is met (**Col. 2 Lines 4 – 10, 15 – 21, 44 – 48; Col. 5 Lines 5 – 11, 18 – 34**). **Steinberg** discloses that an advantage of the present invention is that a digital camera user can download image camera data to a remote computer or network site and therefore avoid the concern of the need to connect the camera or its removable device to a local computer in order to perform such operation, adds functionality to cameras that are not designed specifically to perform the task of connection to a remote network, provides an apparatus with a connection to a camera that is programmable for customized operations, provides an apparatus that enables a user to send data from a digital camera through a network to a plurality of destinations of a variety of types, such as network printers and remote archives (**Col. 3 Lines 6 – 10, 16 – 27**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Allen** in view of the teachings of **Steinberg** to incorporate a transmitting module operable to automatically determine when an image

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transmitting condition is met without the user inputting a transmission command, and to make said digital camera automatically transmit a plurality of images captured by said digital camera via said phone to an external apparatus for storage in response to the determination in order to provide the advantages of a digital camera user can download image camera data to a remote computer or network site and therefore avoid the concern of the need to connect the camera or its removable device to a local computer in order to perform such operation, adds functionality to cameras that are not designed specifically to perform the task of connection to a remote network; provides an apparatus with a connection to a camera that is programmable for customized operations, provides an apparatus that enables a user to send data from a digital camera through a network to a plurality of destinations of a variety of types, such as network printers and remote archives.

32. In regards to **claims 20 and 23 – 24, Steinberg** further discloses comprising a monitoring module operable to monitor the number of said one or more images captured by said digital camera to determine whether or not said number reaches a predetermined number (**Col. 5 Lines 18 – 37**), wherein

said transmitting module makes said digital camera transmit said one or more images when said monitored number of said one or more images reaches said predetermined number (**Col. 5 Lines 18 – 37**).

33. In regards to **claim 21, Allen** discloses that digital images taken by a photographer with a digital camera are transmitted wirelessly to a cellular phone, which will then be received by an image fulfillment server (**Column 1 Lines 60 – 65, Column**

**3 Lines 5 – 8).** These operations are carried out with a microprocessor found within the digital camera (**Figure 1**). **Allen** also discloses a digital camera that receives a voice command from a user and then automatically searches a codebook to match the voice command with a command that is found in the codebook. Once the command has been matched, the camera would then perform the function automatically based on what is already programmed in the codebook (**Column 4 Lines 36 – 54**). Further still, **Allen** also discloses that the digital camera includes a transceiver to transmitting the digital images, and control signals to the image fulfillment server (**external apparatus**) (**Column 2 Lines 48 – 51**).

However, **Allen** fails to disclose said controller is configured to automatically determine when an image transmitting condition is met without the user inputting a transmission command, and to control the capturing device to automatically transmit each of said plurality of images via said communicating device to said external apparatus for storage in response to the determination.

**Steinberg**, however, discloses that it is old and well known for digital cameras to automatically transmit images to an apparatus when a predetermined condition is met (**Col. 2 Lines 4 – 10, 15 – 21, 44 – 48; Col. 5 Lines 5 – 11, 18 – 34**). **Steinberg** discloses that an advantage of the present invention is that a digital camera user can download image camera data to a remote computer or network site and therefore avoid the concern of the need to connect the camera or its removable device to a local computer in order to perform such operation, adds functionality to cameras that are not designed specifically to perform the task of connection to a remote network, provides an

apparatus with a connection to a camera that is programmable for customized operations, provides an apparatus that enables a user to send data from a digital camera through a network to a plurality of destinations of a variety of types, such as network printers and remote archives (**Col. 3 Lines 6 – 10, 16 – 27**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Allen** in view of the teachings of **Steinberg** to incorporate said controller is configured to automatically determine when an image transmitting condition is met without the user inputting a transmission command, and to control the capturing device to automatically transmit each of said plurality of images via said communicating device to said external apparatus for storage in response to the determination in order to provide the advantages of a digital camera user can download image camera data to a remote computer or network site and therefore avoid the concern of the need to connect the camera or its removable device to a local computer in order to perform such operation, adds functionality to cameras that are not designed specifically to perform the task of connection to a remote network, provides an apparatus with a connection to a camera that is programmable for customized operations, provides an apparatus that enables a user to send data from a digital camera through a network to a plurality of destinations of a variety of types, such as network printers and remote archives.

34. In regards to **claim 22**, **Allen** discloses a voice recognition program that allows a user to instruct the camera to send images to an external apparatus (**Column 3 Lines 49 – 52**).

35. In regard to **claim 25**, **Allen** discloses that the camera "...includes an interface, such as a SCSI port, for connecting to an external input device 27 such as a keyboard or LCD touch screen. The external input device 27 may be used to enter information such as text annotation, electronic addresses of file names that are to be associated with photographer's utterances (**Column 2 Lines 63 – 67, Column 3 Line 1**).” After the photographer takes the picture, a verbal command can be given to transmit the images (**Column 3 Lines 49 – 52**).

36. In regards to **claim 26**, it is well-known in the art that a digital camera has a display to view stored images and select which images the user would like to view, one such example is Kodaks' DC4800 Digital Camera (<http://www.pcstats.com/articleview.cfm?articleID=593>, <http://web.archive.org/web/20000815073948/www.kodak.com/US/en/digital/cameras/DCSGateway.jhtml>).

37. In regards to **claim 27**, **Allen** discloses a transceiver that is part of the digital camera (**Figure 1, Column 2 Lines 48 – 51**).

38. In regards to **claim 37**, it is old and well known that images are captured and stored in digital cameras.

39. In regards to **claim 38**, it is old and well known that digital cameras store the shot date and number of captured images. As a result, when the receiving unit receives the images from the camera, the shot date and number of captured images would be included as well.

40. In regards to **claim 39**, it is old and well known that images are captured and stored in digital cameras.

41. In regards to **claim 40**, it is old and well known that digital cameras store the shot date and number of captured images. As a result, when the receiving unit receives the images from the camera, the shot date and number of captured images would be included as well.

42. In regards to **claims 46 – 47**, **Steinberg** discloses wherein said external apparatus automatically records the transmitted images onto recording media in accordance with at least one of: a time that has passed after each image was captured, the number of the images that have been captured, and predetermined intervals (**Col. 5 Lines 18 – 37**).

#### ***Canceled Claims***

43. **Claims 30, 35, 41, and 50 have been canceled.**

#### ***Response to Arguments***

44. Applicant's arguments with respect to **claims 1 – 50** have been considered but are moot in view of the new ground(s) of rejection.

#### **Rejection under 35 USC 112, second paragraph**

45. Rejection under 35 USC 112, second paragraph, towards **claim 50** has been withdrawn.

#### ***Conclusion***

46. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure can be found in the PTO-892 Notice of References Cited.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerardo Araque Jr. whose telephone number is (571)272-3747. The examiner can normally be reached on Monday - Friday 8:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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GA  
9/13/07



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